



CITY OF MORGAN HILL  
17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Larry Carr, Council Member  
Hedy Chang, Council Member  
Steve Tate, Council Member

**WEDNESDAY, OCTOBER 6, 2004**

**AGENDA**

**CITY COUNCIL SPECIAL MEETING**

**5:30 P.M.**

*A Special Meeting of the City Council is called at 5:30 P.M. for the Purpose of Conducting a Closed Session and at 7:00 P.M. for the Purpose of Conducting City Business.*

---

**Dennis Kennedy, Mayor**

**CALL TO ORDER**

(Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk Torrez)

**OPPORTUNITY FOR PUBLIC COMMENT**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL.**

***City Council Action***

**5:30 P.M.**

**CLOSED SESSION:**

**1.**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority

Government Code 54957

Public Employee Performance Evaluation:

City Attorney

Attendees:

City Council, City Attorney

**7:00 P.M.**

***City Council Action***

**CONSENT CALENDAR:**

**ITEM 1**

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. [APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MORGAN HILL  
DEVELOPMENT PARTNERS, L.P. – JARVIS DRIVE APN 726-24-076 THRU 079](#) ..... 1

**Recommended Action(s):**

1. **Approve** the Subdivision Improvement Agreement; and
2. **Authorize** the City Manager to Sign the Agreement on Behalf of the City with Morgan Hill Development Partners, L.P., (APN 726-24-076 thru -079).

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**



***CITY COUNCIL STAFF REPORT***  
***MEETING DATE: OCTOBER 6, 2004***

**APPROVAL OF SUBDIVISION IMPROVEMENT  
AGREEMENT WITH MORGAN HILL DEVELOPMENT  
PARTNERS, L.P. – JARVIS DRIVE APN 726-24-76 THRU 79**

**RECOMMENDED ACTION(S):** Approve the attached Subdivision Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Morgan Hill Development Partners, L.P., (APN 726-24-76 thru 79).

**Agenda Item # 1**

**Prepared By:**

**Senior Civil Engineer**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

**EXECUTIVE SUMMARY:** In May 2002, Morgan Hill Development Partners entered into a subdivision improvement agreement for their property on the west side of Butterfield Boulevard south of Cochrane Road. The subdivision conditions required the developer to extend Jarvis Drive from Butterfield Boulevard to Monterey Road. The original subdivision improvement agreement, as extended, will expire on November 5, 2004. Morgan Hill Ranch Development Partners has requested that they be granted additional time to construct the Jarvis Drive improvements. The basis of their request is due largely to the present vacancy rate of existing commercial/industrial properties in the area and the lack of interest in developing new commercial/industrial properties.

Staff has reviewed their request and determined that construction of the roadway improvements can be delayed. To grant Morgan Hill Development Partners' request for additional time it has been determined that they must enter into a new subdivision improvement agreement with the City. Staff has prepared the attached new Subdivision Improvement Agreement which will grant Morgan Hill Development Partners two additional years to complete the required improvements. Staff recommends that City Council approve the new Subdivision Improvement Agreement and authorize the City Manager to sign on behalf of the City.

**FISCAL IMPACT:** Development review for this project is from development processing fees.